

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STANLEY PRINCE,	:	
	:	
Plaintiff,	:	Case No. 06-CV-1565
	:	
v.	:	
	:	
PEERLESS INSURANCE CO.,	:	(Judge McClure)
A New Hampshire Corporation,	:	
	:	
Defendant	:	

**ORDER**

November 29, 2006

**BACKGROUND:**

On June 7, 2006, plaintiff commenced this action by filing a writ of summons with the Court of Common Pleas of Lycoming County, Pennsylvania. Defendant was served with a complaint on July 26, 2006. On August 11, 2006, defendant, a New Hampshire corporation, filed a notice of removal of the action to the United States District Court for the Middle District of Pennsylvania pursuant to 28 U.S.C. § 1441. The case arises out of a fire that occurred in Jersey Shore, Pennsylvania. The plaintiff is the owner of the premises and filed an insurance claim following the fire.

The parties are now conducting discovery and as part of that discovery, the

defendant has requested an inspection of the premises. On November 13, 2006, defendant filed a “Motion for Inspection of Premises.” (Rec. Doc. No. 11-1). Evidently, the two parties attempted to schedule the inspection, but based on the filing of the present motion, it appears that they were unable to do so. No brief was filed in support of this motion. For the following reasons, we will deem this motion withdrawn.

**DISCUSSION:**

Local Rule 7.5 of the Middle District of Pennsylvania requires a supporting brief to be filed within ten days of the filing of any pretrial motion. The rule further states that if a supporting is not filed within ten days, the motion shall be deemed to be withdrawn, unless the motion is for an enlargement of time, appointment of counsel, or the motion has concurrence of all counsel. Id.

In the present case, ten days have passed since the filing of defendant’s motion. Although defendant’s motion claims that “no objection has been made to the requested inspection,” the defendant has not filed a certificate of concurrence. Furthermore, this is the type of motion that if the plaintiff did in fact concur, there would be no reason for the court to be involved. Therefore, the court will deem the motion to be withdrawn pursuant to Local Rule 7.5.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

Defendant's "Motion for Inspection of Premises" is withdrawn. (Rec. Doc. No. 11-1).

s/ James F. McClure, Jr.  
James F. McClure, Jr.  
United States District Judge